

Appln. No.: 09/891,380

Response/Amendment dated August 4, 2008

Response to Office Action dated June 27, 2008

REMARKS/ARGUMENTS

Claims 1-3, 5-17 and 27, 28, 30-38 are pending in the application. Claims 4, 18-26, and 29 were previously cancelled. Claims 1-3, 5-19 and 21-38 stand rejected. Through this Amendment and Response, claims 1, 27, 28, 30 and 31 have been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Rejection of Cancelled Claims

The Office Action dated June 27, 2008 rejected claims 18, 19 and 21-26. Applicants, however, canceled claims 18, 19 and 21 - 26 in the Amendment and Response dated March 14, 2008. Applicants, therefore, respectfully request reconsideration and withdrawal of the rejections involving claims 18, 19 and 21 – 26.

Claim Rejections – 35 USC § 103

Claims 1, 2, 5-7, 9-18, 21, 23, 25-29, 30, 32, 34 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pub. No. 2006/0031883) in view of Finseth et al. (US Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828). The Applicants respectfully request reconsideration in view of the Remarks below.

The Office Action asserts that Finseth teaches the “transmission means” or “communication means” as recited in the independent claims. Applicants respectfully disagree because, as recited in the rejected claims, the transmission means is “configured to transmit a notification of *the program selected*.” (Emphasis added). Looking specifically to illustrative claim 1, the “program selected” for transmission by the claimed “transmission means” allegedly taught by Finseth is selected with “a user input receiver configured to receive an input from a user *selecting a desired program available from the first receiver*.” (Emphasis added). Indeed, in the Amendment and Response dated March 14, 2008 Applicants amended “available” into the claims and made further amendments to the “transmission means” that transmitted notification of the “available” program of the independent claims, Applicants indicated that paragraphs 25 and

26 of the Substitute Specification provided support for select embodiments. (See Amendment and Response dated March 14, 2008, page 11) As provided in paragraphs 25 and 26 of the present application:

It is further possible to set a reminder that displays a message on the TV set 3 at a predetermined time, for example a couple of minutes, *before the program starts* or sends an alert message, in the form of an SMS (SMS, short message device), to a mobile telephone a predetermined time, for example at least ten minutes *before the program starts*. ... A notification of the selected program in the EPG may alternatively 11 be transmitted to one or more persons, such as a friend or a multitude of friends, that is to their respective electronic program guide system. ... If the user wants to *recommend recording* 13 a recording flag is set 14 in the notification. If the user also wants to *recommend reminder* 15 a reminder flag is set 16 in the notification, when the user does not want to recommend recording 13 at least the reminder flag is set 16, that is when *recommend recording* 15 is dropped a reminder flag is set 16. Further, if the user wants to send an alert message 17 to the friend or friends an alert flag is set 18 in the notification.

Paragraph 25, lines 5-9 and paragraph 26, lines 1-3 and 5-11; emphasis added. Thus, the term “available” as read in light of the Specification, are those programs provided on the EPG that may be “selected,” such as for recording, viewing, or flagging to remind a viewer “before the program starts.” Applicants respectfully submit that such a program that is available for recording, viewing, or reminding before the program starts, is not taught, described, or suggested anywhere in Finseth or any other art of record.

In fact, the “viewer preference information” disclosed in Finseth is stored in a user-specific *sub-history* table, organized by “attributes of the television program *viewed* by a user.” Col 12, lines 21-23; emphasis added. Therefore, any programs are no longer “available” as recited in the rejected claims. Indeed, while cited passage of Finseth discloses that “a user may choose to tell a recipient only about a specific television program,” this refers to transmitting a viewed television program an alternative to “choos[ing] to share the entire contents of his/her user-specific *sub-history* table with the selected recipient.” Col. 12, lines 31-38; emphasis added. In fact, the cited passage in which a user may transmit a specific television program to another user is in reference to Figure 7, which, according to the teachings of Finseth shows receiver 64 that “compiles information about a first user’s viewing preferences by storing, and a user-

specific *sub-history table*, attributes of the television program *viewed by a user.*" Col. 12, lines 21-23; emphasis added; see also Col. 10, lines 48-55; referring to "viewed" and "watched" programs. Thus, the "specific program" of Finseth is not equivalent to the "selected program" recited in the "transmission means (claim 1) and the "communication means" (claim 30) because the specific programs of Finseth are not "available" as recited in independent claims 1 and 30.

In regards to the rejections of 27, 32, and 38, independent claims 27 and 32 have been amended to more clearly indicate that the selected program is "available." The amendment of "available" is identical to the amendment made to claims 1 and 30 in the Amendment and Response dated March 14, 2008. Therefore, the amendment to claims 27 and 32 do not require a new search and are supported by the Specification. For at least the foregoing, Applicants respectfully submit that neither Ellis, Finseth, Collins, nor any other prior art of record teach, disclose, or suggest, whether individually or in combination, the subject matter of the claims as presently presented, and therefore respectfully request reconsideration and withdrawal of the rejection.

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Collins et al. (U.S. Patent No. 6,424,828). Applicants respectfully request reconsideration in view of the Remarks below.

Applicants respectfully disagree. As discussed in the response dated March 14, 2008, Ellis, the primary reference asserted against the claims, appears to disclose systems which allow a user to modify his/her own recording schedule. In this regard, the user is merely remotely accessing his/her own program guide – thus there is only *one* electronic program guide. Applicants believe that the teachings of Ellis are different from the subject matter of the recited claims. Specifically, claim 28 recites:

creating a notification of the program selected *from said electronic program guide*; [and]
obtaining transmission of the notification of the program selected from said electronic program guide *to at least one remote electronic program guide system*

Emphasis added.

For at least this reason, Applicants respectfully submit that neither Ellis nor Collins (or any other prior art of record) teaches, discloses, or suggests, whether individually or in combination, the subject matter of claim 28, and therefore respectfully request reconsideration and withdrawal of the rejection.

Furthermore, through this Response and Amendment, Applicants have amended claim 28 to more clearly recite that the program is “a desired program *available* from said electronic program guide.” The amendment of “available” is identical to the amendment made to claims 1 and 30 in the amended and response dated March 14, 2008. Therefore, the amendment to claim 28 does not require a new search and is supported.

For at least this reason, Applicants respectfully submit that neither Ellis nor Collins (or any other prior art of record) teaches, discloses, or suggests, whether individually or in combination, the subject matter of claim 28, and therefore respectfully request reconsideration and withdrawal of the rejection.

Claims 3, 8, 19, 22, 24, 33 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Finseth et al. (U.S. Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828) and Haken (U.S. Pat. Pub. No. 2004/0008972). Applicants respectfully request reconsideration in view of the Remarks below.

As discussed above, Finseth does not teach, disclose, or even suggest the subject matter of independent claim 1, from which claims 3 and 8 depend from. Furthermore, claims 19, 22 and 24 were canceled in the response an amendment dated March 14,008. Lastly, claims 33 and 25 depend from claim 1. Claim 31 has been amended to more clearly indicate that the selected program is available. Specifically, claim 31 has been amended to recite “a notification via SMS of an *available* program selected from said electronic program guide.” The amendment of “available” is identical to the amendment made to claims 1 and 30 in the amended and response dated March 14, 2008. Therefore, the amendment to claim 31 does not require a new search and is supported by the Specification. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 31, 36 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. (U.S. Pat. Pub. No. 2006/0031883) in view of Finseth et al. (U.S. Patent No. 6,813,775) and Collins et al. (U.S. Patent No. 6,424,828) and Corliss (U.S. Patent No. 6,771,949). Applicants respectfully request reconsideration in view of the Remarks below.

Claim 31 has been amended to more clearly indicate that the selected program is available. Specifically, claim 31 has been amended to recite “a notification via SMS of an *available* program selected from said electronic program guide.” The amendment of “available” is identical to the amendment made to claims 1 and 30 in the amended and response dated March 14, 2008. Therefore, the amendment to claim 31 does not require a new search and is supported by the Specification. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

Amendments to Claims 1 and 30

Through this Amendment and Response, Applicants have amended claims 1 and 30 to more clearly recite the scope of the recited embodiments. Specifically, the first electronic program guide of claim 1 is “configured to communicate” with the first receiver. Secondly, the transmitter of claim 1 “is configured” to transmit an alert message. Lastly, the recited “transmission means” of claim 1 has been replaced with “transmitter.” In regards to claim 30, a receiver is now “configured to receive” and the term “receiver” has replaced “receiving means.” Likewise, the term “transmission means” has been replaced with “transmitter.” Applicants respectfully submit that the amendments to claims 1 and 30 do not change the scope of the claims, and therefore do not require a new search. Applicants further respectfully submit that the claim amendments are supported by the Specification.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the

Appln. No.: 09/891,380
Response/Amendment dated August 4, 2008
Response to Office Action dated June 27, 2008

same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: August 4, 2008

By:


Shawn P. Gorman
Reg. No. 56,197

BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
Tel: (312) 463-5000
Fax: (312) 463-5001